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**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
HOUSTON DIVISION**

SHAHID B. YUSUF,

Plaintiff,

v.

ABILITY RECOVERY SERVICES LLC,
Defendant.

Case No.4:21-cv-02175

COMPLAINT

NOW COMES SHAHID B. YUSUF, through his undersigned counsel, complaining of
ABILIRT RECOVERY SERVICES LLC, as follows:

NATURE OF THE ACTION

1. This action is seeking redress for Defendant's violations of the Fair Debt Collection
Practices Act ("FDCPA"), 15 U.S.C. § 1692 *et seq.*

JURISDICTION AND VENUE

2. This Court has subject matter jurisdiction pursuant to 28 U.S.C. § 1331.

3. Venue in this district is proper under 28 U.S.C. § 1391(b)(2).

PARTIES

4. SHAHID B. YUSUF ("Plaintiff") is a natural person, over 18-years-of-age, who at
all times relevant resided in Houston, Texas.

5. Plaintiff is a "consumer" as defined by 15 U.S.C. § 1692a(3).

6. ABILITY RECOVERY SERVICES LLC ("Defendant") is a limited liability
company organized and existing under the laws of Rhode Island.

7. Defendant maintains its principal place of business in Pennsylvania.

1 20. This information was regarding Plaintiff and the subject debt, including the fact that
2 Plaintiff allegedly owed the subject debt.

3 21. Upon information and belief, the third-party vendor then completed and populated
4 information provided by Defendant into a template letter that was then delivered to Plaintiff
5 (Defendant's Letter).

6 22. The FDCPA defines "communication" at 15 U.S.C. § 1692a(3) as "the conveying
7 of information regarding a debt directly or indirectly to *any person* through any medium."
8 (emphasis added).

9 23. Accordingly, the information sent from Defendant to the unknown third-party
10 vendor was a "communication" as defined by the FDCPA.

11 24. Defendant's communication to the unknown third-party vendor was in connection
12 with the collection of a debt since the information was sent in an effort to facilitate collection of
13 the subject debt.

14 25. Plaintiff did not authorize Defendant to communicate with the third-party vendor
15 regarding the subject debt.

16 26. In limiting disclosures to third parties, the FDCPA states, at 15 U.S.C. § 1692c(b):
17
18 "Except as provided in section 1692b of this title, without the prior consent of the consumer
19 given directly to the debt collector, or the express permission of a court of competent
20 jurisdiction, or as reasonably necessary to effectuate a post judgment judicial remedy, a debt
21 collector may not communicate, in connection with the collection of any debt, with any
22 person other than the consumer, his attorney, a consumer reporting agency if otherwise
23 permitted by law, the creditor, the attorney of the creditor, or the attorney of the debt
24 collector." (emphasis added).

25 27. The third-party vendor used by Defendant to facilitate the collection of the subject
26 debt does not fall within any of the exceptions prescribed by 15 U.S.C. § 1692c(b).

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DAMAGES

1 28. Defendant's unlawful dissemination of highly personal information regarding
2 Plaintiff's financial affairs invaded Plaintiff's privacy and violated the rights afforded to the
3 Plaintiff by the FDCPA.

4 29. Upon information and belief, Defendant utilizes third-party vendors to prepare and
5 issue collection letters in an effort to reduce overhead costs and increase profits.

6 30. Defendant's conscious decision to use third-party vendors demonstrates that it
7 prioritizes its economic interests over the privacy rights afforded to consumers by the FDCPA.
8

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10 **CLAIMS FOR RELIEF**

11 **COUNT I:**

12 **Fair Debt Collection Practices Act (15 U.S.C. § 1692 *et seq.*)**

13 31. Plaintiff adopts and incorporates all paragraphs as fully stated herein.

14 32. Defendant violated 15 U.S.C. § 1692c(b) by unlawfully disclosing that Plaintiff
15 owed the subject debt to its third-party vendor.

16 33. As set forth above, Plaintiff's privacy rights were violated by Defendant's unlawful
17 disclosure of information pertaining to the subject debt to a prohibited third party.

18 **WHEREFORE**, Plaintiff, SHAHID B. YUSUF, requests the following relief:

- 19 A. a finding that Defendant violated 15 U.S.C. §§ 1692c(b);
20 B. an award of any actual damages sustained by Plaintiff as a result of Defendant's
21 violations;
22 C. an award of such additional statutory damages to Plaintiff, as the Court may allow,
23 but not exceeding \$1,000;
24 D. an award of costs of this action, together with reasonable attorney's fees as
25 determined by this Court; and
26 E. an award of such other relief as this Court deems just and proper.

27 **DEMAND FOR JURY TRIAL**
28

1 Pursuant to Fed. R. Civ. P. 38(b), Plaintiff demands a trial by jury.

2 DATED: July 2, 2021

Respectfully submitted,

3 SHAHID B. YUSUF

4 /s/ Victor T. Metroff

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